

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

United States America,) Case No. 07cv0081 BTM (WMC)
Plaintiff,) **ORDER GRANTING UNOPPOSED**
v.) **MOTION FOR EXTENSION OF TIME**
Gerald Wroblewski; Sharon M. Wroblewski;) **[DOC. NO. 51.]**
Thomas J. Martinak, Jr.; Janet Martinal; &)
California Franchise Tax Board,)
Defendants.)

After consideration of Plaintiff's unopposed motion for extension of time, [Doc. No. 51.] and good cause appearing, the Court **GRANTS** the motion for extension and issues the following second amended scheduling order.

IT IS HEREBY ORDERED:

1. All other pretrial motions must be filed on or before *September 5, 2008*. Motions will not be heard or calendared unless counsel for the moving party has obtained a motion hearing date from the law clerk of the judge who will hear the motion. **Be further advised that the period of time between the date you request a motion date and the hearing date may be up to three or more months. Please plan accordingly.** For example, you may have to contact the judge's law clerk three or more months in advance of the motion cutoff to calendar the motion. Failure to make a timely request a motion date may result in the motion not being heard. **Motions will not be heard**

1 on the above date unless you have obtained that date from the judge's law clerk.

2 2. The requirements of Civil Local Rule 16.1 (f)(2) to file Memoranda of Contentions
3 of Fact and Law are waived.

4 3. Counsel shall comply with the Pre-trial disclosure requirements of Federal Rule of
5 Civil Procedure 26(a)(3) on or before **December 23, 2008.**

6 9. Counsel shall meet and confer on the preparation of the Pre-trial Order required by
7 Judge Moskowitz on or before **December 30, 2008.**

8 The parties shall prepare a proposed Pre-trial Order containing the following:

9 (a) A statement to be read to the jury, not in excess of one page, of the nature of
10 the case and the claims and defenses.

11 (b) A list of the causes of action to be tried, referenced to the Complaint and
12 Counterclaim. For each cause of action, the order shall succinctly list the elements of the claim,
13 damages and any defenses. A cause of action in the Complaint or Counterclaim which is not listed
14 shall be dismissed with prejudice.

15 (c) 1. A list of each witness that counsel actually expects to call at trial with
16 a brief statement, not exceeding four sentences, of the substance of the witnesses' testimony.

17 2. A list of each expert witness that counsel actually expects to call at
18 trial with a brief statement, not exceeding four sentences, of the substance of the expert witnesses'
19 testimony.

20 3. A list of additional witnesses including experts that counsel do not
21 expect to call at this time but reserve the right to call at trial along with a brief statement, not
22 exceeding four sentences, of the substance of the witnesses' testimony.

23 (d) 1. A list of all exhibits that counsel actually expect to offer at trial with
24 a one-sentence description of the exhibit.

25 2. A list of all other exhibits that counsel do not expect to offer at this
26 time but reserve the right to offer if necessary at trial with a one-sentence description of the exhibit.

27 (e) A statement of all facts to which the parties stipulate. This statement shall
28 be on a separate page and will be read to and provided to the jury. The parties are encouraged to

1 meet with the assigned magistrate judge to work out as many stipulations of fact as possible.

2 (f) A list of all deposition transcripts by page and line, or video tape depositions
3 by section, that will be offered at trial. The proponent of the deposition shall prepare a copy of all
4 portions to be read or played to the jury.

5 (g) The parties shall prepare proposed jury instructions (if trial by jury) on the
6 substantive claims, damages and defenses. One set of proposed instructions shall be given to the
7 court. If the parties disagree on an instruction, the alternative instructions shall be submitted.

8 (h) The parties shall prepare a proposed jury verdict form.

9 The parties are encouraged to consult with the assigned magistrate judge to work out any
10 problems in preparation of the proposed pretrial order. The Court will entertain any questions
11 concerning the conduct of the trial at the pretrial conference.

12 10. Objections to Pre-trial disclosures shall be filed no later than **January 6, 2009**.

13 11. The Proposed Final Pretrial Conference Order as described above shall be prepared,
14 served, and lodged on or before **January 6, 2009**.

15 12. The final Pretrial Conference is scheduled on the calendar of **Judge Moskowitz** on
16 **January 13, 2009 at 4:00 p.m.**

17 13. A post trial settlement conference before a magistrate judge may be held within 30
18 days of verdict in the case.

19 14. The dates and times set forth herein will not be modified except for good cause
20 shown.

21 15. Dates and times for hearings on motions should be approved by the Court's clerk
22 before notice of hearing is served.

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1 16. Briefs or memoranda in support of or in opposition to any pending motion shall not
2 exceed twenty-five (25) pages in length without leave of a district court judge. No reply
3 memorandum shall exceed ten (10) pages without leave of a district court judge. Briefs and
4 memoranda exceeding ten (10) pages in length shall have a table of contents and a table of
5 authorities cited.

IT IS SO ORDERED.

DATED: June 26, 2008

W. McGuire Jr.

Hon. William McCurine, Jr.
U.S. Magistrate Judge
United States District Court

cc:

HONORABLE BARRY T. MOSKOWITZ, U.S. DISTRICT JUDGE
ALL PARTIES AND COUNSEL OF RECORD